

CALFRESH REQUEST FOR POLICY INTERPRETATION**PI# 17-106**

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Retain a copy for your records and submit via email to CalFresh-PI@dss.ca.gov.

Please note: the policy interpretation provided is based on the unique set of facts presented and should not be assumed to apply in all scenarios.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other:		5. DATE OF REQUEST: 12/13/2017	NEED RESPONSE BY: 12/18/2017
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION: Los Angeles County / Dept. of Public Social Services	
3. PHONE NO.:	EMAIL:	7. SUBJECT: Parole Status Under INA 212.5 (B) (5)	
4. REGULATION CITE(S): MPP 63-405.117		8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACIN 102-10 dated 12/29/2010	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

MPP 63-405.117 states that a parolee under Section 212(d)(5) of the INA for at least one year is a qualified non-citizen.

Scenario: A household of five applies for CalFresh and all of the members are paroled "Pursuant to 212.5 (B) (5) Valid for (3) Years", as shown on I-94 of each household member (stamp dated on 10/06/2016).

Question: (1) Are these household members considered qualified non-citizens for CalFresh, even though the INA section code is different?

(2) If yes, are these household members eligible to CFAP and not federal CalFresh due to the fact that their lawful residency in U.S. is less than 5 (five) years from the date of entry?

10. REQUESTOR'S PROPOSED ANSWER:

- (1) The household members are qualified non-citizens for CalFresh since their parole statuses have been granted for at least one year (regardless of INA section code).
- (2) The household members are eligible to CFAP and not federal CalFresh because they have not met any of the indefinite Food Stamp (CalFresh) eligibility criteria as listed on MPP 63-405.12 (which includes 5 [five] year lawful residence).

11. STATE POLICY RESPONSE (CFPB USE ONLY):

The state concurs with the proposed answer.

According to state regulations at MPP section 63-405.117, a client granted parolee status under section 212(d)(5) of the INA for at least a year is considered a qualified noncitizen. However, parolees under qualified noncitizen status must be in a qualified status for 5 years before being eligible for federal benefits per federal regulations at 7 CFR section 273.4(a)(6) (ii).

The household members are eligible for CFAP benefits.

FOR CDSS USE

DATE RECEIVED:

12/14/2017

DATE RESPONDED TO COUNTY/ALJ:

12/14/2017